

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KAPPA ALPHA THETA FRATERNITY,
INC.; KAPPA KAPPA GAMMA
FRATERNITY; SIGMA CHI; SIGMA
ALPHA EPSILON; SIGMA ALPHA
EPSILON--MASSACHUSETTS GAMMA;
JOHN DOE 1; JOHN DOE 2; JOHN DOE 3,

Plaintiffs,

v.

HARVARD UNIVERSITY; PRESIDENT
AND FELLOWS OF HARVARD COLLEGE
(HARVARD CORPORATION),

Defendants.

Civil Action No. 18-cv-12485-NMG

**DEFENDANT PRESIDENT AND FELLOWS OF HARVARD COLLEGE’S
MOTION TO DISMISS AS MOOT**

Defendant President and Fellows of Harvard College (“Harvard”), through its undersigned counsel, respectfully submits that this case is now moot, and moves pursuant to Federal Rule of Civil Procedure 12(b)(1) to dismiss this action for lack of subject-matter jurisdiction. In support of this Motion, Harvard relies on the accompanying Memorandum. As discussed in the Memorandum, Plaintiffs brought this case to challenge Harvard’s Policy withholding certain benefits from students who choose to join unrecognized single-gender social organizations, and seek only declaratory and injunctive relief from that Policy. Harvard has rescinded the Policy, effective today. There is no longer a live controversy between the parties, so this case must be dismissed.

For these reasons, and as stated more fully in the accompanying Memorandum, Harvard respectfully requests that the Court dismiss this action as moot.

Dated: June 29, 2020

Respectfully submitted,

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE

By its attorneys,

/s/ Roberto M. Braceras

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that, on June 29, 2020, counsel for Harvard and counsel for Plaintiffs conferred in a good-faith effort to narrow or resolve the issues presented herein, but were unable to do so.

/s/ Roberto M. Braceras

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to all the registered participants as identified on the Notice of Electronic Filing, and paper copies shall be served by first class mail postage prepaid on all counsel of record who are not served through the CM/ECF system on June 29, 2020.

/s/ Roberto M. Braceras